

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

In the Matter of)	
)	
Monon Telephone Company)	
SAC 320790)	
)	
Connect America Fund)	WC Docket No. 10-90
)	
A National Broadband Plan for Our Future)	GN Docket No. 09-51
)	
Establishing Just and Reasonable Rates for Local Exchange Carriers)	WC Docket No. 07-135
)	
High-Cost Universal Service Support)	WC Docket No. 05-337
)	
Developing an Unified Intercarrier Compensation Regime)	CC Docket No. 01-92
)	
Federal-State Joint Board on Universal Service)	CC Docket No. 96-45
)	
Lifeline and Link-Up)	WC Docket No. 03-109
)	
Universal Service Reform – Mobility Fund)	WT Docket No. 10-208

PETITION FOR EXPEDITED WAIVER

The Monon Telephone Company (“Monon”; Study Area Code 320790), by its attorney and pursuant to Section 1.3 of the Commission’s Rules, requests waiver of Section 51.517, *et seq.*, of the Commissions Rules, to the extent required, to allow Monon to correct an administrative error which resulted in a significant under-reporting of received state level USF funding for the 2011 Test Year and to allow NECA¹ and USAC to process the corrected state received USF information. In support whereof, the following is respectfully submitted:

¹ Monon is a NECA concurring carrier.

1) Section 1.3 of the Rules permits rule waivers for good cause. The Commission may exercise its discretion to waive a rule where the particular facts make strict compliance inconsistent with the public interest. *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990). In addition, the Commission may take into account considerations of hardship, equity, and the effective implementation of public policy on an individual basis. *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969), cert. denied, 409 U.S. 1027 (1972).

2) Attachment 1 hereto is a copy of Monon's draft 2013 CAF ICC Data Collection Update which Monon is currently preparing for submission to NECA by May 31, 2013, for transmission to the Commission, USAC, and the Indiana Utility Regulatory Commission. While preparing the NECA document it was noticed that the dollar amount for FY 2011 (October 2010 through September 2011) Received Revenue shown in Step 1 Line 1 of Attachment 1 is shown as \$106,396. However, that figure represents only a portion of the intrastate USF money which Monon received during the 2011 Test Year. Attachment 2 hereto is a copy of a December 4, 2008 letter from Solix, Indiana State Program Management, which shows that Monon was scheduled to receive, and in fact did receive, other IN USF funding in the amount of \$272,223 ($\$22,685.33 \times 12$) for the 2011 Test Year. This figure was inadvertently omitted from Monon's 2012 CAF ICC Data Collection Update -- the amount shown at Step 1 Line 1 should read as a sum of $\$106,396 + \$272,223 = \$378,619$. Accordingly, the amount incorrectly submitted last year was understated by approximately 72% and represents a substantial amount of missing USF funding.

3) The 2011 Test Year Received Revenue serves as a baseline number against which future USF disbursements are measured including the upcoming 2013 Fiscal Year. However, Monon is unable to make a correction to the dollar figure found at Step 1 Line 1 of the 2013 CAF ICC Data

Collection Update because it is not possible to edit that information on the form. After inquiry, NECA recommended that Monon seek waiver so that USAC can correct the administrative error.

4) Monon is a small, rural telephone company currently with 781 access lines. The dollar amount found at Step 1 Line 1 serves as a baseline for determining USF receipts going forward. If left uncorrected, the \$272,223 administrative error will have a significant, adverse effect upon Monon's ability to maintain its telephone network this year and in the coming years. It is respectfully submitted that allowing Monon to correct the inadvertent error would serve the public interest. For clarity it is noted that Monon is not seeking a waiver of the compensation schedule, Monon is seeking a waiver which will put it on the correct compensation schedule envisioned in the Commission's November 18, 2011 *Report and Order and Further Notice of Proposed Rulemaking*, FCC 11-161.²

WHEREFORE, because the error in administrative in nature, and because the dollar amounts involved are significant, and because network impairment will occur in the absence of a waiver, it is respectfully submitted that waiver would serve the public interest.

MONON TELEPHONE COMPANY

May 1, 2013

/s/ Timothy E. Welch
Hill & Welch
1025 Connecticut Ave, NW #1000
Washington, D.C. 20036
202-857-1470
301-622-2864 (FAX)
welchlaw@earthlink.net

cc: Bob Knoble – rknable@neca.org
customerservice@bcd.universalservice.org

² Should the Commission have any question arise about the accounting aspect of this waiver request, please contact Bruce Hanway, Monon's Secretary-Treasurer, at 219-253-6601.

ATTACHMENT 1
Monon's Draft 2013 CAF ICC Data Collection Update



2013 CAF ICC Data Collection Update

[NECA Home](#) [NECA Data Collections](#) [Contact Us](#) [General Instructions](#) [Logout](#)

Logged in User: Bruce Hanway



K r p h V h d f w # P r p s d q | P d l q # S d j h V w x g | # D u h d # G d w d # l q s x w # P h q x

Expand Study Area Data Input Menu

F D I # # D U F # R x w s x w

Expand CAF & ARC Output

Study Area: MONON TEL CO (ID: 320790)

Intrastate Data Needed to Calculate the Expected Revenue & Eligible Recovery

Please complete the Intrastate data submission for each line items below

Step 1 - Calculate the Intrastate Terminating Revenue Requirement for Test Year 2013-14

Line 1 - FY 2011 (October 2010 through September 2011) Received Line 2 - 95% of Total Test year 2012-2013 Revenue Requirement Revenue

\$ 106396

\$ 96022.39

Step 2 - Calculate the Test Year 2013-2014 Transitional Intrastate Access Service Revenue (Non VoIP)

NOTE: Use either Option A or Option B

Option (A) Use the Composite Rate approach**Option (B) Use the Rate Element approach**

Option A - Use the Composite Rate Approach

Option (A) The composite rate approach: Company should leave blank in column J, K, L, M of intrastate TRP and enter the FY2012 terminating intrastate local switching minutes below in Line 4 and forecasted terminating intrastate local switching minutes below in Line 5.

Line 3 - Test Year 2013-2014 Transitional Intrastate Composite Rate (Sum of Column I / FY 2011 Local Switching Minutes)	Line 4 - Fiscal Year 2012 Terminating Intrastate Local Switching Minutes (Non-VoIP)	Line 5 - Test Year 2013-2014 Terminating Intrastate Local Switching Minutes (Non VoIP)	Line 6 - Test Year 2013-2014 Terminating Intrastate Local Switching Minutes Growth Rate (Non VoIP)	Line 7 - Total Test Year 2013-2014 Transitional Intrastate Access Service Revenue (Non VoIP)
\$ 0.075266	1537838	1341740	-7.5 %	100987.4

Step 3 - Calculate the Test Year 2013-2014 Intrastate Terminating VoIP Revenue

Line 9 - Test Year 2013-2014 Terminating VoIP Minutes

5013

Line 10 - Test Year 2013-2014 VoIP Composite Rate

\$ 0.068143

Line 11 - Test Year 2013-2014 Forecasted VoIP Revenue \$ 341.6

Note: January 1, 2013 Effective Interstate SW Composite Rate: 0.070787

Step 4 - Calculate the Total TY 2013-2014 Forecasted Transitional Intrastate Access Service Revenue

Line 12 - Test Year 2013-2014 Net settlement from the State Pool

\$ 272223

Line 13 - Test Year 2013-2014 State Terminating Access Support Rebalancing Fund Revenue

\$ 0

Line 14 - Total TY 2013-2014 Forecasted Transitional Intrastate Access Service Revenue \$ 373552

Step 5 - The Total Test Year 2013-2014 Intrastate Eligible Recovery

Line 15 - Total TY 2013-2014 Intrastate Eligible Recovery: (Line 2 - Line 14) \$ -277529.61

ATTACHMENT 2
December 4, 2008 Solix Letter, Indiana State Program Management



Brian Kickey
Manager
State Program Management

December 4, 2008

Monon Telephone Company, Inc. - IN000209
PO Box 625
311 N Market St
Monon, IN 47959
Attn: Bruce Hanway

DEC 08 2008

Subject: Indiana USF Support Disbursements

Dear Bruce Hanway,

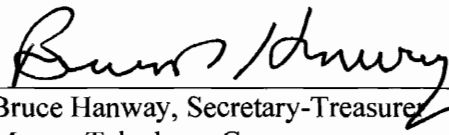
This letter is to inform you of an upcoming change in the support amount that you receive from the Indiana USF. During the months of December 2007 through October 2008, your company, Monon Telephone Company, Inc., received a total of \$272,217. This amount completes the required disbursements for Year 1 of the 4 year phase in period. Your Year 2 monthly support amount is calculated to be \$22,685.33 per month, and Year 2 amounts should have begun in November 2008. However, Solix unfortunately continued to disburse support amounts at the Year 1 rate, \$24,747.00. To correct this issue, Solix will issue December 2008 disbursements at the Year 2 amount minus the November overpayment, which amounts to \$20,623.67, a difference of \$2,061.67. January 2009 support amounts will return to \$22,685.33 and will continue through October 2009. If you have any questions regarding this matter, please feel free to contact me at your convenience at 973-581-5017 or email me at BKickey@Solixinc.com.

Regards,

Brian Kickey

CERTIFICATION

I hereby certify under penalty of perjury that I have reviewed the foregoing PETITION FOR EXPEDITED WAIVER and that the factual statements made therein are true and accurate to the best of my information and belief.

A handwritten signature in black ink, appearing to read "Bruce Hanway", is written over a horizontal line.

Bruce Hanway, Secretary-Treasurer
Monon Telephone Company
May 1, 2013